IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 21.11.2006

United India Insurance Company Ltd.

...Appellant

versus

Daya Ram

... Respondent

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.Amit Rawal, Advocate
for the appellant.

UMA NATH SINGH, J. (ORAL)

This FAO arises out of an award dated 19.8.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Narnaul, in MACT Case No.129 of 2005, awarding a sum of Rs.20,000/- in an injury case where the claimant suffered fracture of 5th rib and remained confined to bed for about one month.

Learned counsel for the appellant assailed the award only on the ground of quantum. Looking to the nature and seat of injury and the attending circumstances, and further the fact that had the injured been examined by a competent Medical Board, perhaps the said injury would have been basis for some disability, we do not find the award on excessive side. That apart, the assessment of the award has been arrived at under Section 163A of the Motor Vehicles Act, 1988 (for short `the Act'). Moreover, the second schedule thereunder prescribes the amounts of

Rs.5000 for grievous injuries and towards medical expenses Rs.15,000/-, in case of any permanent disablement. Further, admittedly the insurance policy in question also covers the personal accident of the owner of the vehicle.

In the premises discussed hereinabove, we do not find any merit in the FAO and the same is dismissed in limine.

(UMA NATH SINGH)
JUDGE

November 21, 2006 **(MAHESH GROVER)**
pk **JUDGE**